

REMARKS

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks.

In this Amendment no claims are added or canceled and claims 1, 8, 13, 20 and 22-25 are amended. As a result, claims 1-33 remain pending in the application. Support for the amendments can be found in various portions of the specification, for example, at paragraphs 0016 through 0021.

In the Office Action of October 3, 2006, claim 20 is rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Claims 1-6 and 8-33 are rejected under 35 U.S.C. §103(a) in view of the International Patent Application WO 01/29732 (Warnock) further in view of U.S. Patent Application 2002/0082997 (Kobata). Claim 7 is rejected under 35 U.S.C. §103(a) in view of Warnock further in view of Kobata and yet further in view of U.S. Patent Application 2003/0156719 (Cronce).

35 U.S.C. §112, Second Paragraph Rejection

Claim 20 is rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. It is noted that a great number of issued patents recite the term “logic” in their claims. For example, U.S. Patent 6,798,997 issued recently by Art Unit 3625 includes a number of logic system recitations in the claims. In view of this and other issued patents which recite “logic,” it is unclear what the Office’s official policy is regarding the use of this term in the claims. Nonetheless, in an effort to be responsive to the Office Action and further the prosecution the

claims have been amended to replace this term. Withdrawal of the rejection is respectfully requested.

35 U.S.C. §103 Rejection

The §103(a) rejections of claims 1-33 in view of the hypothetical combination of Warnock, Kobata and/or Cronce are obviated in view of the present amendments to independent claims 1, 8 and 20.

Regarding claim 1, this independent claim has been amended to recite “downloading a content file in a proprietary first data format from a remote server of a content source to a first user device for a first cost basis [and] providing a player associated with the content source suitable for decoding said content file encoded in the first data format.” It is respectfully submitted that Warnock, Kobata and/or Cronce, either taken singly or in hypothetical combination, do not teach or suggest downloading proprietary format content from a source and also providing a player associated with the content source to decode the content. Claims 8 and 20 have been amended to include features thought to be similarly novel and nonobvious. Accordingly, withdrawal of the §103(a) rejections is respectfully requested.

Deposit Account Authorization / Provisional Time Extension Petition

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571) 748-4765 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



Scott Charles Richardson
Reg. No. 43,436

McGrath, Geissler, Olds & Richardson, PLLC
P.O. Box 7085
Alexandria, VA 22307

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